

REMARKS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the above amendments and following remarks.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-9 are currently pending. Claims 1-9 are rejected. Claims 1, 4, 8, and 9 are hereby amended. No new matter has been added by this amendment.

It is submitted that the claims, herewith and as originally presented, are patentably distinct over the prior art cited in the Office Action, and that these claims were in full compliance with the requirements of 35 U.S.C. § 112. The amendments of the claims, as presented herein, are not made for purposes of patentability within the meaning of 35 U.S.C. §§§§ 101, 102, 103 or 112. Rather, these amendments and additions are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. THE REJECTION UNDER 35 U.S.C. § 112

Claims 4-6 8 and 9 are rejected under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant submits that amendments to 4, 8, and 9 obviate these rejections.

III. THE REJECTIONS UNDER 35 U.S.C. § 103(a)

Claims 1, 2, 4, and 8 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,580,056 to Tacha ("Tacha") further in view of U.S. Patent No. 3,800,778 to Lohr et al ("Lohr"). Claims 3, 7 and 9 were rejected under 35 U.S.C. §103(a)

as allegedly being unpatentable over Tacha and Lohr in further view of U.S. Patent No. 6,283,015 to Kwon et al. ("Kwon").

As recited in independent claim 1, the instant invention is directed to:

"An apparatus for heat treatment of tissue specimens, comprising a pressure cooker (1) for cooking of the tissue specimens, a temperature sensor (5) and a pressure sensor (6) connected to the pressure cooker, and a control unit (15) for time-controlled heat treatment of the tissue specimens in the pressure cooker (1), the control unit (15) being arranged to control a programmed step-by-step heating course, with a programmed time duration on each temperature step, ...**wherein each step of the step-by-step heating course, or each step of the step-by-step cooling course does not require any user input or interaction.** (Emphasis Added)

As understood by Applicants, Tacha relates to a device for heating biological specimens. The heating device includes an electric pressure cooker with a pressure gauge, a temperature sensor connected to a controller that is connected to a temperature display and temperature alert. The controller allows a specimen to be heated at a selectable temperature for a selectable time.

As understood by Applicants, Lohr relates to a steam cooker for foods. The steam cooker of Lohr can be used to cook food with steam at pressure in excess of atmospheric pressure or with steam at subatmospheric pressure.

Applicant submits that nothing has been found in Tacha or Lohr, taken alone or in combination that would teach or suggest the above-identified features of claim 1. Neither Tacha nor Lohr teaches an apparatus for heat treatment comprising a pressure cooker, a temperature sensor and a pressure sensor connected to the pressure cooker, and a control unit for time-controlled heat treatment of the tissue specimens in the pressure cooker with the control unit (15) being arranged to control a programmed step-by-step heating course, with a programmed time duration on each temperature step, wherein each step of the step-by-step heating course, or each step of the step-by-step cooling course does not require any user input or interaction.

At most Tacha discloses the setting of a plurality of set points for a pressure cooker. The set points comprise a temperature and timer duration. Tacha discloses that the process of implementing such a feature requires a “start button” to be pressed after the temperature reaches each individual set point. In other words, unlike the present invention as claimed, the apparatus of Tacha requires repeated user input. Therefore Tacha teaches away from the invention recited in claim 1.

Further, Lohr also fails to teach or suggest a heat device where each step of the step-by-step heating course, or each step of the step-by-step cooling course does not require any user input or interaction. Therefore for at least the reasons described Applicants submit that claim 1 is patentable over the cited art.

IV. DEPENDENT CLAIMS

The other claims are dependent from independent claim 1 and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

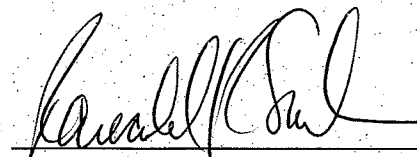
In view of the foregoing, it is believed that all of the claims in this application are patentable over the prior art, and an early and favorable consideration thereof is solicited. Because Applicant maintains that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on each and every comment made by the Examiner in the Office Action. This should not be taken as acquiescence of the substance of those comments, and Applicant reserves the right to address such comments

Statements appearing above with respect to the disclosures in the cited references represent the present opinions of the Applicants' undersigned attorney and, in the event that the Examiner disagrees with any such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the respective reference providing the basis for a contrary view.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By:



Ronald R. Santucci
Reg. No. 28,988
(212) 588-0800